

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,)
Plaintiff,) Civil Action No. 04-407
vs.) Judge Joy Flowers Conti
Jeffrey Beard; Catherine C.)
McVey; David Good; Carol Scire,)
James Meta; Tom Morant and)
Joan Delie; Eugene Ginchereau;)
Edward V. Swierezewski;)
Kenneth Lentz; and Thomas)
Kraczon,)
Defendants.)

ORDER

The above captioned case was referred to United States Magistrate Amy R. Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 13, 2004.

The Magistrate Judge's Report and Recommendation (Doc. No. 83), filed on December 5, 2005, recommended that the Motion to Dismiss Plaintiff's Complaint or, in the alternative, for Summary Judgment filed by Defendants Ginchereau, Swierezewski and Lentz (Doc. No. 59) be granted. All parties were served with the objections and were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. The Plaintiff filed Objections on December 13, 2005 (Doc. No. 88) and the Defendants filed a Brief in Opposition to Objections on December 19, 2005 (Doc. No. 90). After review of the pleadings and documents in the case, together with the report and recommendation, and the objections and brief in opposition thereto, the following order is entered:

AND NOW, this 23rd day of January, 2006;

IT IS HEREBY ORDERED that the Motion to Dismiss Plaintiff's Complaint or, in

the alternative, for Summary Judgment filed by Defendants Ginchereau, Swierezewski and Lentz (Doc. No. 59) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 83) of Magistrate Judge Lenihan, dated December 5, 2005, is adopted as the opinion of the court.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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